

MINUTES FOR THE
ARIZONA BOARD OF BARBERS
January 29, 2007

Arthur Dean Knox presided and called the meeting to order at 10:30 a.m. Roll was called with all members present. Also present were Blair Driggs, Assistant Attorney General, Sam LaBarbera, Executive Director, Sam Barcelona, Assistant Director, Joyce Holtz, Program Specialist and Mary Jane Jones, Administrative Assistant II.

Present:	Arthur Dean Knox	Michael Bogle
	Ross Pacheco	Terry Lara
Absent:	Jackie Gill-Solares	

Arthur Dean Knox introduced our Court Reporter, the new member of the staff, Joyce Holtz, and our new Assistant Attorney General.

Ross Pacheco moved to approve the minutes of November 20, 2006. Terry Lara seconded the motion; motion passed unanimously.

Formal Hearing – Complaint No. 2007-007 Cecilio Escobedo (Establishment License No. 0389-E). Mr. Escobedo was present and represented himself. Blair Driggs acting as an advocate, not an advisor, said we could hear an explanation from Mr. Escobedo and reach an agreement in lieu of a formal hearing. Mr. Escobedo is semi-retired and was not aware of an unlicensed person working in his shop and will not allow it again. Sam LaBarbera said he found two unlicensed barber students working at this shop during an inspection. One student is now a barber and has signed his consent agreement. The other student will be taking the exam.

Mr. Pacheco asked Mr. Escobedo if he was working at the shop and he replied no. Mr. LaBarbera concurred with this statement.

Mr. Driggs reminded the Board that they had fined the two students and the manager and suggested the Board do the same in this instance. Mr. Pacheco moved for a \$500 civil penalty. Michael Bogle seconded the motion. Mr. Escobedo said it would be a financial hardship to pay this amount within 60 days. Mr. Bogle moved to amend the consent agreement with the civil penalty to be paid in \$100 payments or to continue to a formal hearing. Ms. Lara seconded the motion; motion passed unanimously.

Formal Hearing – Complaint No. 2007-012 Express Beauty Salon (Establishment License No. 1435-E) and **Liliana Byrd** (Barber License No. 4359. Ms. Andrade was present. Blair Driggs acting as an advocate, not an advisor, said we could hear an explanation from Ms. Andrade and reach an agreement instead of holding a formal hearing. Ms. Andrade said she had taken her examination and was waiting for her license. Mr. LaBarbera said Ms. Andrade had taken the examination that Monday and he found her working on Wednesday. Mr. Knox told her it was very important to have the license before working. Mr. Pacheco moved for a civil penalty of \$500 and a year's probation or continue to a formal hearing. Mr. Bogle seconded the motion; motion passed unanimously.

Formal Hearing – Complaint No. 2007-013 Erika Andrade (Barber License No. 4870). Ms. Andrade was present. Liliana Byrd acted as an interpreter. Blair Driggs acting as an advocate, not an advisor, said we could hear an explanation from Ms. Andrade and reach an agreement in lieu of a formal hearing. Mr. Bogle moved for a civil penalty of \$500 in lieu of a formal hearing. Mr. Pacheco seconded the motion. Ms. Andrade asked for some time to pay the \$500 because she had not been working. Mr. Bogle amended his motion for the civil penalty to be payable over the next sixty days. Mr. Pacheco seconded the motion; motion passed unanimously.

Informal Interview – Complaint No. 2007-014 Guadalupe Carvajal (Barber License No. 541). The owner said she did not receive any paperwork. Staff will deliver the paperwork to her shop. 17607 N 16th Ave 85023. She was not present. Based on testimony presented in Complaint No. 2007-015, Mr. Bogle moved to dismiss this action. Mr. Pacheco seconded; motion passed unanimously.

Informal Interview – Complaint No. 2007-015 Brisa Campos (Barber License No. 1531). Ms. Campos was present with an interpreter. Ms. Campos is the manager of the shop. Mr. LaBarbera explained Paula Campos and Maribel Carvajal were present at the last meeting. At that time the Board voted to the other barbers who had been present during the inspection to a hearing. Brisa Campos is the sister of the owner Paula Campos. Ms. Campos said she offered the job to Maribel Carvajal because she was going to take her examination. She acknowledged that she now knew the consequences of this action and that it was against the law. Mr. Bogle moved to offer a consent agreement containing a \$500 civil penalty and a year's probation in lieu of a formal hearing. Ms. Lara seconded; motion passed unanimously. Mr. Knox told her that if she comes back before the Board there is a possibility her license could be revoked.

Informal Interview – Complaint No. 2007-016 Claudia Dela Mora (Barber Student Card No. 5689). Claudia Dela Mora was present with an interpreter and represented herself. Mr. LaBarbera and Sam Barcelona found her working as a barber while she was a student. She is currently waiting to take her exam. She had been working since November 4, 2006. She tried to take the examination in December but her application had been rejected. Mr. Bogle moved to offer a consent agreement containing a \$500 civil penalty payable within ninety days of Ms. Dela Mora's getting her license and a year's probation in lieu of a formal hearing. Ms. Lara seconded the motion; motion passed unanimously.

Informal Interview – Complaint No. 2007-017 Sergio Antunez (Barber Student Card No. 4915). Sergio Antunez was present and represented himself. He was working out of necessity. He was a part-time student with 1270 hours at that time and also working as a painter. He is presently a full-time student and should be able to take his examination in February. Mr. Pacheco moved to offer a consent agreement containing a \$500 civil penalty payable within sixty days and a year's probation in lieu of a formal hearing. Ms. Bogle seconded the motion; motion passed unanimously. Mr. Bogle moved to amend the motion to ready the civil penalty is payable within sixty days of receiving his license. Mr. Pacheco seconded; motion passed unanimously.

Informal Interview – Complaint No. 2007-018 Abraham M. Cubillo (Barber License No 1664). Abraham M. Cubillo was present and represented himself. He said he knew there were

unlicensed barbers working in this shop and it was not good for him to be working there. He felt he should not be getting into other people's business. He only opens and closes the shop; he has nothing to do with hiring personnel. Mr. Pacheco moved to dismiss. Mr. Bogle seconded; motion passed unanimously.

Informal Interview – Complaint No. 2007-019 Juan Cuevas (Barber License No. 4462). Mr. Cuevas was not present because he did not receive his notifications. Mr. Bogle moved to dismiss on the basis of previous testimony. Mr. Pacheco seconded; motion passed unanimously.

Informal Interview – Complaint No. 2007-020 Ruth Cubillo (Establishment License No. 1146-E). Ruth Cubillo was present and represented herself. She told the Board she took full responsibility. The Board asked Mr. Driggs if they could fine the owner for each unlicensed person working at her establishment. Mr. Driggs said the Board can decide to treat each person as a separate violation. Mr. Bogle moved to offer a consent agreement containing a \$500 civil penalty payable for each of the two violations, \$500 hundred dollars for each violation, within sixty days and a year's probation in lieu of a formal hearing. Ms. Lara seconded the motion. Mr. Bogle moved to go into an Executive Session in order to get legal advice. Mr. Pacheco seconded the motion; motion passed unanimous.

The Board then went into Executive Session. The Board resumed it's Regular Session.

Ms. Lara moved to amend the motion to a \$500 civil penalty and one year's probation. Mr. Pacheco seconded; motion passed unanimously.

General Agency Operations. Mr. LaBarbera presented the Board with four fraudulent licenses that had been found during inspections.

The Staff will be setting up a meeting with the school owners to discuss problems during the examinations and other matters.

Future Agenda Items. Jose Vasquez's Informal Interview will be placed on the agenda for the next meeting.

Next Meeting Date. This date will be set at a future time.

Mr. Pacheco moved to adjourn. Ms. Lara seconded; motion passed unanimously.

Sincerely,

January 29, 2007

Arthur Dean Knox, Chairman

Mary Jane Jones, Secretary